

Court of Appeals, State of Michigan

ORDER

Kelvin David Moffit v Chippewa Circuit Judge

Docket No. 281561

LC No. 07-009391-AH

Pat M. Donofrio
Presiding Judge

Deborah A. Servitto

Jane M. Beckering
Judges

The Court, acting under MCR 7.203(F)(2), orders that the motion for reconsideration is DENIED. Contrary to plaintiff's assertions, subject matter jurisdiction is the power of a court to exercise its judicial power over a class of cases, not the particular case before it. *Derderian v Genesys Health Care System*, 263 Mich App 364, 375; 689 NW2d 145 (2004). MCR 7.203©(1)-(3) gives this Court subject matter jurisdiction to decide complaints for the great writs. this court, however, lacks jurisdiction over the particular case since plaintiff filed the wrong type of original complaint for the relief he seeks. MCR 3.301(A)(1)-(2) and 3.302(B). Despite plaintiff's request, this Court cannot accept his complaint for a writ of mandamus as one for a writ of habeas corpus since it does not conform to the rules for filing the latter type of original complaint. MCR 3.301I(A)(1)-(2) and 3.303(A)-(C). Last, this Court has a statutory duty to collect an initial, partial filing fees before it can accept a pleading for filing, and the Department of corrections has a duty to collect the balance owed if the party pays the fee, so this court will neither refund the properly collected fee nor order the Department to stop collecting the balance owed. MCL 600.2963 and 791.268.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

MAR - 5 2008

Date

Sandra Schultz Mengel
Chief Clerk